

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

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Specialized Loan Servicing, LLC

In Re:
Jody Benecke, Douglas Benecke

Debtors.



Order Filed on May 6, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 17-35282 MBK

Adv. No.:

Hearing Date: 4/22/2020 @ 9:00 a.m..

Judge: Michael B. Kaplan

**ORDER CURING POST-PETITION ARREARS & RESOLVING MOTION FOR
RELIEF FROM STAY**

The relief set forth on the following pages, numbered two (2) through two (2) is hereby
ORDERED.

DATED: May 6, 2020


Honorable Michael B. Kaplan
United States Bankruptcy Judge

(Page 2)

Debtors: Jody Benecke, Douglas Benecke

Case No: 17-35282 MBK

Caption of Order: ORDER CURING POST-PETITION ARREARS AND RESOLVING MOTION FOR RELIEF FROM STAY

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, Specialized Loan Servicing, LLC, Denise Carlon appearing, upon a motion to vacate the automatic stay as to real property located at 31 Clover Hill Drive, Jackson, NJ 08527, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and James J. Cerbone, Esquire, attorney for Debtors, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of April 21, 2020, Debtors are in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due October 2019 through April 2020 for a total post-petition default of \$13,250.44 (3 @ \$2,099.27, 4 @ \$2,097.17 less suspense balance of \$1,436.05)

It is further **ORDERED, ADJUDGED and DECREED** that the debtor will make a payment of \$7,500.00 immediately; and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$5,750.44 shall be added to the affidavit of amount due and paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that the debtor will file a modified plan within 20 days of the entry of this order; and

It is further **ORDERED, ADJUDGED and DECREED** that regular mortgage payments are to resume May 1, 2020, directly to Secured Creditor, Specialized Loan Servicing, LLC, P.O. Box 636007, Littleton, Colorado 80163 (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtors' Chapter 13 bankruptcy proceeding, if any of the cure payments or regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtors shall have fourteen days to respond; and

It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtors, and Debtors' counsel at the time of submission to the Court; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$181.00 for filing fees, totaling

\$531.00, which is to be paid through Debtors' Chapter 13 plan and motion for relief is hereby resolved.

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New JerseyIn re:
Douglas Benecke
Jody Benecke
DebtorsCase No. 17-35282-MBK
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: May 06, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 08, 2020.

db/jdb +Douglas Benecke, Jody Benecke, 31 Clover Hill Drive, Jackson, NJ 08527-1650

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 08, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 6, 2020 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
 Albert Russo docs@russotrustee.com
 Denise E. Carlon on behalf of Creditor Specialized Loan Servicing, LLC
 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
 James J. Cerbone on behalf of Debtor Douglas Benecke cerbonelawfirm@aol.com,
 cerbonejr83307@notify.bestcase.com
 James J. Cerbone on behalf of Joint Debtor Jody Benecke cerbonelawfirm@aol.com,
 cerbonejr83307@notify.bestcase.com
 John R. Morton, Jr. on behalf of Creditor Ally Capital ecfmail@mortoncraig.com,
 mortoncraigecf@gmail.com
 John R. Morton, Jr. on behalf of Creditor Ally Financial ecfmail@mortoncraig.com,
 mortoncraigecf@gmail.com
 U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8